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SUMMARY RECORD OF THE 1221st MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 7 August 1997, at 10 a.m.

Chairman: Mr. BANTON

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Thirteenth periodic report of Denmark (continued) (CERD/C/319/Add.1; HRI/CORE/1/Add.58)

1. At the invitation of the Chairman, the delegation of Denmark resumed its place at the Committee table.

2. THE CHAIRMAN suggested that the Danish Government request the United States Government to declassify certain sensitive information contained in a report on Greenland during the cold war, in a bid to shed light on some of the circumstances surrounding the relocation of the Inuit population in 1953.

3. Ms. ANDERSEN (Denmark), referring to labour questions and replying to Mr. Wolfrum's query about the concept of citizenship in the Act on Prohibition against Differential Treatment on the Labour Market said that, under article 1, paragraph 2 of the Convention, a State party was entitled to distinguish between its citizens and foreigners, providing such treatment did not run counter to the principle enshrined in article 1, paragraph 1. Employers in Denmark might prefer to hire a Danish citizen over a foreign national but that could lead to indirect discrimination and fall foul of the Act. The public employment service ruling that citizenship should be of no importance in ordinary jobs involving public job exchange was testimony to the Government's serious approach to the question of racial discrimination and the effective prohibition of direct and indirect discrimination under the Act.

4. Special measures referred to by some members were exceptions to the Act on Prohibition against Differential Treatment on the Labour Market and consequently regarded by victims of discrimination as a violation of the Act. Special measures were permitted, therefore, only if established by law or reference thereto. There was, for instance, provision for public projects to promote equal treatment. Employers could apply for exemption from the Act if the employee's race was of decisive importance to the performance of the job. The Ministry of Labour had informed the Danish Refugee Council (DRC) of the procedure, and formal dispensation had been granted.

5. While positive measures were not allowed at the ordinary workplace in the public and private sectors employers were nonetheless allowed to advertise their equal opportunity policies and encourage persons of foreign origin to apply for positions.

6. Reacting to Mr. van Boven's warning that the Danish Government might take its equal opportunity policy a step too far, she said that the Government was aware that it was important to study further the question of qualifications in an attempt to curb discrimination resulting from conventional ways of formulating job requirements. As to the emphasis on proficiency in Danish, requiring proficiency where it was not directly important to performance of the job could constitute a form of indirect discrimination and some employers did abuse the requirement.

7. Greenland and the Faroe Islands had not been covered under the Act because combating racial discrimination came under the competence of the authorities in both territories and it was their prerogative to decide how to implement the Convention.

8. Ms. HOLT (Denmark) said in response to Mr Valencia Rodriguez' enquiry about results of the labour authorities' efforts that the Ministry of Labour, along with allied agencies, including the Directorate General for Employment Placement and Vocational Training (AMS) and local labour exchange offices (AFs), had been tackling the problem of high unemployment among foreign nationals. The AFs programmes aimed at ethnic minorities followed guidelines set forth in a 1995 AMS circular proscribing the practice of discrimination by AFs and urging them to negotiate with employers imposing discriminatory job requirements and deny them further assistance if they refused to change their position. Since the publication of the circular, problems had been experienced, especially in the greater Copenhagen area, prompting a revision of the guidelines. In 1996, consultants had been assigned to the AFs to provide employment and educational counselling to ethnic minorities and information on ethnic minorities to AF staff.

9. In 1996, the labour authorities as a whole had increased their efforts significantly over previous years and provided the necessary additional financial and human resources. An action plan for 1997 had been put in place for Copenhagen where half of unemployed immigrants lived. It included a survey of educational qualifications among the minority communities and a special project for potentially marginalized persons aged 25-30, language testing, contacts with employers and job rotation schemes. A special project for unemployed Turkish immigrants, most of them women, had been implemented.

10. The action plan aimed at removing barriers to the employment of immigrants and refugees had formally ended in May 1997 and had been largely effective. The plan had been subsumed under the general policy of combating unemployment among foreigners, which was also successful for the most part. Regional labour policy makers had become more aware of the problems faced by foreigners and had been planning accordingly. Special measures were merely a supplement to the ordinary measures against unemployment in general.

11. High levels of unemployment among foreigners could be explained by a lack of necessary skills and discrimination. Some immigrants, in particular those who had arrived in the early 1960s - notably from Turkey and Pakistan - had not kept pace with the evolution in labour skills and technology since they had first begun to work in low-skilled jobs. Education was, therefore, a key issue for minorities and in the previous 10 years they had managed to keep pace with the rest of the population although young Turks still lagged behind. The help of the Imams was enlisted in encouraging youths to complete their education and improve their employment opportunities. Special programmes targeting Turks, Pakistanis and people from the former Yugoslavia were used as a springboard for a wider policy, geared largely to training and work experience, of improving employment opportunities for immigrants, improving staff expertise and changing attitudes on the labour market towards hiring immigrants. Multicultural management was being introduced in the labour market and the Ministry itself was experimenting with ethnic personnel management.

12. Turning to the question of the "icebreaker arrangement", she explained that it was run by the Ministry of Trade and restricted to highly educated ethnic immigrants partly because of the success of a similar project for all highly educated unemployed persons. The Ministry of Labour, for its part, had been implementing similar projects aimed at all persons, including immigrants. The "icebreaker arrangement" was restricted to enterprises with up to 250 employees, because such businesses were in the majority in Denmark and hence should be informed of the contribution highly educated immigrants had to offer.

13. Mr. KLINGENBERG (Denmark) advised that his delegation had brought an English translation of the Act on Prohibition against Differential Treatment on the Labour Market for the Committee's perusal.

14. Ms. CHRISTENSEN (Denmark) quoted article 19, paragraph 6, section 2 of the Danish Aliens Act - which stipulated that a refugee's temporary residence permit could not be revoked if the refugee had lived in Denmark for over three years - in response to Mr Wolfrum's fear that the non-repatriation of Bosnian refugees might play into the hands of those who practised ethnic cleansing. The integration programme for Bosnian refugees applied only to those who no longer benefited from the special temporary protection rules. Most of the approximately 17,000 Bosnian refugees in Denmark had obtained ordinary refugee status in 1995. The Ministry of the Interior had received two reports on Bosnian refugees granted refugee status and on refugees and immigrants in general in May 1997. Compiling data on all the initiatives aimed at immigrants and refugees and conducting a needs analysis was a long and arduous process. Non-government members of the Integration Committee for Bosnian war refugees, which had 27 members in all, included representatives from a wide range of NGOs and immigrant organizations. Since the inception of the Committee, many initiatives had been launched, including a programme dealing with the large number of Bosnian refugees.

15. Regarding the concept of a "minimum standard", Denmark maintained its policy of equal treatment of refugees and immigrants. They received the same social welfare benefits, housing and access to education as Danish citizens. The Danish Refugee Council and municipalities were bound by Government to ensure that they were given equal treatment and that the money allocated through the reception programme was spent appropriately.

16. Ms. HOLT (Denmark) enumerated some of the minimum standards set forth in the draft bill on the reception of refugees and immigrants in Denmark to be passed at the current session of Parliament in 1997 and contained in the Integration Committee's report. They included the requirement that the responsible body should provide information and assistance to persons with refugee status in respect of administrative formalities, housing and Danish society and culture; offer refugees interviews and discussions on their concerns; drew up a report on the background of each refugee and an individual education or employment plan; provide job training and education; and conduct a follow-up interview at the end of the 18-month reception programme. Comments from the various private and public bodies to which the report had been addressed were now awaited.

17. The statement under paragraph 67 of the periodic report that the question of immigrants and refugees on the housing market no longer had a specific priority did not mean that due attention was not still being given to housing for immigrants and refugees. The reference signalled the shift in the focus of the Urban Committee from the view that the predominance of immigrants in the urban areas was a problem, towards a broader, social approach to urban problems which including community upgrading projects aimed at stimulating employment, cultural life, social networks and urban renewal.

18. On the implementation of the European Year against Racism, she said that the invitation to take part in competitions within the framework of the Year had been extended to artists, professional television producers and journalists. Artists from ethnic minorities would also be invited to compete on an equal footing with Danes and competitors were guaranteed impartial treatment. Thus far, the response had been very positive.

19. Regarding the question of remedies in relation to article 6 of the Convention a new Act on the Board for Ethnic Equality had been adopted by the Parliament in June 1997. The new Board would not deal with individual cases but was entitled to make statements on general matters concerning racial discrimination, which would not be binding but could address cases of differential treatment in both the public and private spheres. The Board could also request a change of practice or code of conduct, as well as propose solutions and mediate but it was not authorized to receive complaints. No consideration had been given to whether such an agency would be created in the long term along with local mediation units. The Ministry of the Interior felt that further consideration should be given to these issues and, although it was a complex matter, that should not delay the necessary adjustments to the Board's activities.

20. There was a strong tradition in Denmark of involving NGOs and ethnic minority organizations in policy making and project implementation. Indeed substantial sums had been allocated for ethnic organizations promoting improved relations between Danes and ethnic minorities. Representatives of ethnic minorities participated in most government bodies or committees dealing with ethnic minorities. The Integration Committee proposed a strengthening of that tradition with the setting up of immigrant councils in municipalities in which there were more than 50 persons with an ethnic background.

21. Mr. KLINGENBERG (Denmark), by way of background on the Radio Oasen case, said that a decision by the local council in September 1996 to revoke the licence of Radio Oasen because of its broadcast of a reading from Mein Kampf had been overturned by the Local Radio and Television Committee in November 1996 on the grounds that the book was available in libraries and most bookshops, and that the excerpt had been unedited and read in an undramatic way and should be seen in its historical context; the broadcast had not therefore been deemed to have violated the licence conditions under section 226 b of the Penal Code. In another ruling in July 1997, the Committee had reversed the local council's rejection of the station's licence renewal application, stating that as there had been no subsequent ruling that its programmes had violated anti-racist rules and regulations, the Board could not legally reject the application.

22. Mr. HJORTENBERG (Denmark), replying to questions raised by Mr. van Boven about the Danish Prosecution Service, said that it was part of the Ministry of Justice. The Minister of Justice could give general and specific instructions to a Director of Public Prosecutions but rarely did so in specific cases, and directors of the Public Prosecution Service could give general and specific instructions to local and regional public prosecutors. The basic principles of prosecution, referred to by Mr. de Gouttes, were enshrined in the Danish Administration of Justice Act; detailed regulations ensured that prosecutions were carried out in a fair and objective manner.

23. The Danish Prosecution Service was aware of Denmark's obligations under the Convention and in particular that measures taken in accordance with article 4 should have due regard to the rights established in article 5, notably the right to freedom of opinion and expression.

24. Prior to 1995, prosecutors had acted with some restraint in cases involving section 226 b of the Penal Code on account of opinions expressed during the passage of the bill through Parliament. The new subsection 2, added in 1995, covered cases involving racist propaganda. In the light of that amendment, the Director of Public Prosecutions had issued new instructions in September 1995 aimed at ensuring a uniform prosecuting practice, referred to in paragraph 27 of the report, whereby the Prosecution Service should report comprehensively on the way in which different cases were handled.

25. Between September 1995 and July 1997, a total of 38 cases had been referred to the Prosecution Service under section 266 b. Only five had resulted in prosecution: one involving propaganda had resulted in an acquittal, another had not yet been tried, and three, which had not been mentioned in the report, had led to convictions. Those three latest convictions were important. Two cases had concerned verbal attacks against the race and colour of individuals in public places and in each case the courts had imposed fines. The third case, concerning a letter to the editor of a newspaper accusing immigrants of murder, theft and rape, had resulted in its author being fined. A case involving a racist element in a crossword puzzle in a newspaper had not yet come to trial, while yet another case had ended in acquittal for lack of proof that the defendants had distributed Marxist and racist propaganda, although the court had stated that some of the material came within the scope of section 266 b.

26. Of the remaining 33 cases, some had been closed without prosecution because of uncertainty as to the perpetrator or words or acts used, while others had related to complaints clearly outside the scope of section 266 b and the Convention. In some cases a balance had had to be struck between protecting freedom of expression and protection against racist language. Such conflicts had been the central issue in cases brought before the European Court of Human Rights. Some 10-15 cases recently referred to the Danish Prosecution Service fell into that category. Some concerned general statements and political views about foreigners, while others related to a generally negative attitude to minority groups. One case referred to by Mr. Wolfrum concerning a newspaper article containing jokes about minority groups had not been prosecuted but had given rise to exhaustive consideration by the Prosecution Service in connection with section 266 b. In the light of

a case taken to the European Court of Human Rights, the Director of Public Prosecutions had decided that conviction could not reasonably be expected but he had made it clear that the prosecution of editors or journalists for violations of section 266 b could not be ruled out in the future. It had particularly been emphasized that remarks to a newspaper by a local prosecutor about minority jokes did not express the general view of the prosecution service and had had no influence on the decision not to prosecute.

27. With regard to Radio Oasen and the reading of Mein Kampf, the regional prosecutor had refused to bring charges as the book was not illegal in Denmark, although he had made it clear that the use of the book in other circumstances might be considered to be a violation of section 266 b.

28. A number of Committee members had requested information about cases concerning the Act on Prohibition against Differential Treatment owing to Race and the Act on Differential Treatment on the Labour Market. With regard to the acquittals mentioned in paragraph 80 of the report, referred to by Mrs. Zou Deci, precise information was unavailable. However, acquittals in such cases were normally due to lack of evidence and to the application of the fundamental principle of in dubio pro reo.

29. Neither the Director of Public Prosecutions nor the police had statistics on the two Acts but the former was considering what measures might be taken to ensure that statistics were made available in future. He was also considering instructing the police and the Prosecution Service generally on the implementation of article 80 of the Danish Penal Code in cases involving racially motivated offences. The Copenhagen Police Commissioner had already taken steps in that connection.

30. The Director of Public Prosecutions and the Prosecution Service much appreciated the work of the Committee and the fruitful dialogue maintained with it.

31. Ms. TROLDBORG (Denmark), responding to questions about the recruitment and training of the Danish police, said that the Minister of Justice considered it of utmost importance that the Danish police should represent a broad spectrum of Danish society. To ensure that young people with foreign ethnic backgrounds were encouraged to enter the force, the Minister and the National Police Commissioner were in constant dialogue with the various organizations representing immigrants and ethnic minorities. As stated in paragraph 100 of the report, evening preparatory courses were directed primarily at people with ethnic backgrounds wishing to apply to the Police Academy or to the prison and probation services.

32. Application forms for those services did not cover such details as race, colour of skin or ethnic background, and the National Police Commissioner was consequently reluctant to provide statistics as to the effects of those measures, but he had informed the Minister of Justice that the police force included officers with Hungarian, Yugoslav, Turkish and Pakistan backgrounds. Due to special interest shown recently, the National Police Commissioner had decided exceptionally to register the ethnic backgrounds of candidates admitted to the Police Academy in 1996. As stated in paragraph 102 of the

thirteenth report, 128 candidates had been admitted, of whom 7 had ethnic minority backgrounds, their countries of origin being Pakistan, Italy, Egypt, Czech Republic, Poland, Morocco and Turkey.

33. Particular attention was drawn to the details given on police training in paragraphs 98 and 99 of the report. In addition, as part of the compulsory in-service training, the Police Academy had introduced panel discussions with representatives of the Danish Red Cross, the Danish Centre of Human Rights, an organization representing young immigrants, the Documentation and Advisory Centre on Racial Discrimination, and other NGOs. Those discussions, some 60 of which had already taken place, were considered of great importance in providing police officers with social and cultural knowledge and an understanding of ethnic minorities.

34. In order to ensure good relations between the police and ethnic minorities, the National Police Commissioner, in coordination with the Board for Ethnic Equality, had prepared a booklet on the Danish police, which would shortly be published in Urdu, Serbo-Croat, Turkish and Arabic, aimed in particular at asylum applicants and other persons coming into contact with the Danish Refugee Council, the Danish Immigration Service and similar services. The Ministry of Justice, in cooperation with the Documentation and Advisory Centre on Racial Discrimination, was also preparing a leaflet on the rights and obligations of the police vis-à-vis ethnic minorities, which would shortly be published in Danish, English, Turkish, Serbo-Croat, Arabic, Somali, Farsi and Urdu.

35. In addition, a special strategy had been initiated by the Copenhagen Police Commissioner to strengthen the minorities' confidence in the police as a non-discriminatory, fair and helpful authority, and to improve relations between the police and ethnic minorities by identifying possible conflicts and suggesting possible solutions. The strategy covered the police handling of complaints of racial discrimination and emphasized the importance of a continuing dialogue between the police and the NGOs representing ethnic minorities. Although there was no formalized strategy at the national level, all local police districts with large ethnic populations took various initiatives to establish good relations with the ethnic minorities.

36. With regard to a clash between a small group of second generation immigrants and the police in a central Copenhagen district in July 1997, referred to by Mr. Diaconu, various initiatives had resulted, involving the Copenhagen Police Commissioner, the local city council and the mayor of Copenhagen. Furthermore, the Crime Prevention Council, established in 1971, had decided to launch a special theme on crime prevention aimed at young immigrants and the children of immigrants. The Minister of Justice had personally contributed a sum of 500,000 Danish krona to a crime prevention project involving second generation immigrants living in central Copenhagen who were considered to be at risk of involvement in criminal activities.

37. With regard to the questions on citizenship raised by Mrs. Sadiq Ali, Mr. Shahi and Mr. Sherifis, there were two main principles involved in the matter of citizenship: jus soli and jus sanguinis. Denmark had recognized the latter principle since 1898, which meant that the children of foreign citizens living in Denmark were not automatically granted Danish citizenship

at birth. However, they were automatically granted Danish citizenship if their parents decided to become Danish citizens before the children reached the age of 18. Normally, such children could also obtain Danish citizenship between the ages of 21 and 23 by means of a simple declaration. The normal naturalization procedures applied to any application for citizenship beyond that age.

38. With regard to names, under section 10 of the Act concerning Personal Names, parents were prohibited from giving a child a name which might be considered disadvantageous to the child. Accordingly, a girl could not be given a boy's name and vice versa, although such names could be used as middle names, providing that a child already had a surname. In that connection it was true, as Mr. Wolfrum had suggested, that a Somali girl had not been allowed to have as her first names the names of her father, grandfather and great-grandfather. Boys with connections to Catholic countries could be given the name Maria.

39. Ms. KLINGSEY (Denmark), replying to questions raised by Mr. Wolfrum on the training of refugees and immigrants and the voluntary nature of pilot projects in vocational education, said that from 1 January 1996, vocational schools in Denmark offered flexible and voluntary courses in schools of between 5 and 40 weeks with the aim of improving pupils' qualifications and enabling them to complete their education and training. Certain State subsidies were available to vocational schools offering special introductory courses for refugees and immigrants to introduce them to the entire range of vocational education and training and thus enable them to develop their own skills and gain transfers on merit to similar Danish educational courses.

40. Under a ministerial order dating back to November 1984, the municipalities, which were responsible for basic education in the Danish Folkeskole, were obliged to provide education to bilingual children in their mother tongues, provided that a minimum number of pupils was involved and that teaching materials and qualified teachers were available. If such instruction could not be given locally, it might be available in a neighbouring municipality.

41. Mr. Diaconu had asked about the "reception classes" provided for children with a mother tongue other than Danish. They might take place in a school other than the child's own district school, so that, for instance, a class of children with the same mother tongue might be set up, with a bilingual teacher, or a class of pupils of the same age, in order to make the teaching more effective. The only criteria used for the choice were the educational interests of the child, based on an assessment of his/her knowledge of Danish. All decisions were made by the class teacher and the head teacher of the school.

42. Children usually attended the reception class for one-and-a-half to two years before returning to the ordinary district school. There was, therefore, no question of a child being excluded from the district school for ethnic reasons. The reception class was intended for children with a mother tongue other than Danish who had no contact with Danish at home. The Government considered the system to fall into the category of affirmative "special measures", which were authorized under article 1, paragraph 4 of

the International Convention on the Elimination of All Forms of Racial Discrimination. There were no figures about the number of reception classes in schools other than the district schools, but it was clear that the numbers were increasing and that they were catering particularly for children born in Denmark, but who did not know enough Danish to attend ordinary schools.

43. Mr. TROLDBORG (Denmark), answering further points raised by members of the Committee, said that there were 29 hostels for battered women in Denmark, with 99 paid staff and 1,700 voluntary staff. An earlier quota system which determined which women were allowed to take refuge in such hostels had now been lifted and would not be reintroduced. The Ministry of Social Affairs had met the hostel authorities to discuss the special support required by women of foreign origin. More details would be included in Denmark's next periodic report.

44. Members had referred to the claims for compensation relating to the relocation of a number of families from Thule in Greenland in 1953 (see document CERD/C/319/Add.1, paras. 130-135). Since the submission of Denmark's report, the dialogue between the Danish Government and the Greenland Home Rule Government on ways to improve living conditions for those families had continued. Danish government funding to subsidize air links to the Thule region had been diverted to finance the construction of an airstrip at the main village, Qaanaaq. Negotiations were still under way with the United States Government about the United States air base in the region. It appeared that the Danish and Home Rule Governments had settled the outstanding disputes to their satisfaction.

45. Denmark had recognized the competence of the Committee to receive and consider communications from individuals. The Government sought to publicize the work of the Committee and other human rights bodies as widely as possible, by means of press releases, reports to Parliament and the Internet.

46. His delegation had listened with interest to members' comments on racial segregation, housing quotas and other matters, and would pass them on to the appropriate authorities to help in future planning. He thanked the Committee for the valuable exchange of views which had taken place and promised that members' outstanding queries would be answered in the next periodic report.

47. Mr. YUTZIS thanked the Danish delegation for its replies. He had noted a number of positive elements, including the training available to immigrants and the training of police in human rights issues. However, he had not been reassured by the delegation's explanation of the Government's reaction to the radio station Radio Oasen, which was run by a neo-Nazi association (see document CERD/C/319/Add.1, paras. 36-39), and by the reversal of the local council's decision to withdraw the radio station's broadcasting licence. He wondered how it had been possible to set up such a radio station at all, since its existence seemed a clear contravention of article 4 of the Convention.

48. He had not received a reply to his question about the case described in paragraph 41 of the report. The discriminatory advertisement in question had been withdrawn, but had any action been taken against the publication in which it had appeared?

49. Mr. ABOUL-NASR said that he had been most impressed by the quality of Denmark's report, which showed that the country took its commitments under the Convention seriously.

50. However, he was not satisfied by the Danish representative's explanation of the prohibition of certain children's names on the grounds that they might prove a disadvantage to the child. Many Arabic names, for example, could be given to either boys or girls. Who decided whether a child would be put at a disadvantage by a particular name? He hoped that the next periodic report would give more details, including any relevant legislation and court decisions.

51. Mr. GARVALOV commended the high quality of the report, particularly the material dealing with article 7 of the Convention.

52. He asked for further explanation of Denmark's understanding of the term "national minority". Denmark had acceded to the Framework Convention for the Protection of National Minorities, drawn up by the Council of Europe. However, he was aware that members of the Council of Europe had at least two interpretations of the term "national minority", ranging from an ethnic group originating in a neighbouring nation to an ethnic group which was different from the main group in the population. Under Danish law, there was only one national minority, the German population: did that mean that Denmark favoured the first interpretation? And what was the status of the Somali, Turkish, Yugoslav and other populations?

53. The CHAIRMAN pointed out that the Convention made no mention of "minorities".

54. Mr. van BOVEN asked for clarification on two points. The first concerned the measures to strengthen the enforcement of section 266 b of the Penal Code, dealing with racist propaganda and similar matters. Did the Director of Public Prosecutions have the final say in a decision not to bring charges in such a case, or could that decision be challenged by any individual, group or authority?

55. His second point concerned the Act on Prohibition against Differential Treatment on the Labour Market, which seemed actually to go further than was required. Did it apply to jobs in public service, including the police force, and to jobs in immigrant organizations such as the Danish Refugee Council and the Immigrants' Confederation?

56. Mr. AHMADU acknowledged that there were not many racist attacks against foreigners in Denmark, but wondered whether the "minorities within minorities" or "immigrants within immigrants" - such as Africans and Asians - suffered the most. What measures were taken to protect them in particular? He was concerned about them because the emphasis in the report had been on European immigrants, such as Turks, Bosnians and Germans. Were the young immigrants who had been refused access to discotheques and the like, referred to in paragraph 81 of the report, hooligans, or not well-dressed? Such incidents were very prevalent in certain parts of the United States of America and South Africa.

57. While it was generally easier than before to gain entry to Danish universities, African immigrants found it more difficult. Was that because Denmark was now in the European Union, or because its educational standards had risen? The naming system should be carefully reviewed. In Nigeria, for instance, it was often difficult to distinguish male and female names; the Danish practice clearly encroached on the cultural rights of the country's minorities. He would also have expected a highly developed country like Denmark to have provided more statistics on immigrants, particularly from Africa and Asia.

58. Mr. De GOUTTES asked whether the extremist group, the "green-jackets", had reappeared, and if so whether any legal action or other measures had been taken against them.

59. Mr. SHERIFIS asked which of the two Conventions - the Convention on the Elimination of All Forms of Racial Discrimination, or the European Convention of Human Rights - prevailed, and how they stood vis-à-vis internal Danish legislation. According to paragraphs 3, 13 and 17 of the previous report (CERD/C/280/Add.1), immigrants who had been resident in Denmark for a three-year period immediately preceding local elections had been granted the right to vote in such elections, and many of them had become citizens. Had any of those new citizens risen to high political positions in Parliament or the Executive?

60. Mr. VALENCIA RODRIGUEZ said his country, Ecuador, had a long tradition by which male children were given both "male" and "female" names. Under the civil register law, parents were free to choose their children's names, as long as they were not "extravagant". Recent case law had classified such names as "Sputnik" and "AIDS" as extravagant.

61. Mr. RECHETOV said Denmark had done a great deal to ensure respect for its minorities and provide suitable status for the Faroe Islanders and Greenlanders; his country, the Russian Federation, should take it as a model in its own relations with such turbulent provinces as Chechnya. In addition, Denmark had always helped the Faroe Islands with any financial problems. However, he did not understand why the delegation insisted there was just one minority in the country, the Germans, as though Greenlanders and Faroe Islanders did not constitute minorities. Why the different treatment between European and non-European ...inorities?

62. There should not be too many restrictions on parents' rights to name their children. Naming was indeed of concern to bureaucracy, but a name was very much a part of a person's identity, dignity and self-respect. In Iceland, for example, a Latin American family had been prevented by regulations from calling their child "Aristotle", whereas an Icelandic name meaning "ugly day" was acceptable.

63. Mr. KLINGENBERG (Denmark) said the next report of Denmark would look seriously at a number of issues raised by the Committee. One was the naming policy, and another was how to balance freedom of opinion with the ability to take legal action against groups disseminating racist propaganda. It was an extremely difficult balance to strike, and the Government had not perhaps yet found the right one. Regarding the relationship between the United Nations

Convention and the European Convention of Human Rights, both had been ratified and were applied in Danish administrative practice; the only difference was that one of them was firmly incorporated into Danish legislation, but that did not change their status as binding international conventions. In ratifying the European Framework Convention for the Protection of National Minorities, which was a very specialized text, both the Government and Parliament had decided after careful consideration that it applied only to the German minority.

64. Mr. HJORTENBERG (Denmark), replying to other questions, said that in principle, a decision not to prosecute under article 266 b of the Penal Code could be appealed to a higher level of the prosecution service, but people wanting to challenge had to be a party to the case. He had no information on which groups of foreigners suffered the most from racist attacks, nor had he heard anything recently about the "green-jackets". Some years ago, they had been a small gang of youths with no political aspirations at all.

65. Mr. WOLFRUM (Country Rapporteur) said that among the wealth of information received from the delegation, he particularly welcomed the detailed and sometimes very technical information on many complicated aspects of the country's implementation of the Convention, much of which went far beyond what the Committee normally heard. The many positive aspects - including the labour laws, the Act on Prohibition against Differential Treatment owing to Race, and the "icebreaker arrangement" - were highly laudable. However, he shared Mr. van Boven's view that the Act was perhaps somewhat narrow vis-à-vis the possibilities of affirmative action and inadequately reflected article 2, paragraph 2, of the Convention. He would like more information and figures on the training and composition of the police, vocational training and the participation of foreigners in local elections, all of which were positive aspects, as were the changes in criminal law contained in the amendment to article 266 b of the Penal Code, although they did not yet comply with article 4 of the Convention. Another positive aspect was acceptance of the individual complaints procedure.

66. Among his concerns was the prosecution system in cases of racial discrimination. The provision in force pertained primarily to propaganda, which was in keeping with article 4, but the restriction to propaganda was too limited. Mein Kampf was sold openly in Denmark, and yet it certainly constituted propaganda. The matter should be reconsidered. As to the balance between the prohibition of racial discrimination and freedom of expression, even "hate speech" was protected under the Constitution, but under the Convention the State party was also obliged to restrict certain forms of expression. He was not satisfied, either, with the limitation on who could challenge a decision by the prosecution. The fact that there was no enforcement system was a flaw; he would like more information on procedural and substantive ways to deal with the problem.

67. Regarding the use of citizenship and interpretation of article 1, paragraph 2, of the Convention, it was acceptable not to give a work permit to foreigners; however, if foreigners had such a permit and were discriminated against by the private sector, that situation was not covered. Under article 5, States parties were obliged to see that foreigners with work permits had employment; the decision lay with the State party, not with

private enterprise. The same applied to the right to housing: if there were no government decision on the purchase of homes, any form of discrimination on the real estate market, such as failure to grant loans, was inconsistent with article 5.

68. Personal names were a part of one's identity. If persons affiliated to Catholicism could choose the name "Maria", why did the naming systems of other religions not have equal status? All names were now permitted in Germany, although perhaps not "Sputnik" or "AIDS"; "Fatima" had become very common, and not just among Arabs. Iceland had recently changed its naming system, upon the Committee's initiative.

69. He was concerned by the statement that certain laws did not apply to Greenland or the Faroe Islands; the next report should explain to what extent the Convention was applicable to them and through what means. He disagreed with the Chairman about the Inuit population in Thule: the issue was whether the people involved had received the proper compensation. Those people - a significant part of the population in that area - were individuals, families and a group; indigenous populations placed a certain emphasis on not being looked upon only as individuals, but also as families and groups. The Home Rule arrangement did not cover all the issues. The persons involved must have the possibility either to use the areas as they had before, or to receive compensation. The issue did not concern only Greenland and Copenhagen but also the authorities that had undertaken the "expropriation", and the communities; the Government did not seem to have understood the underlying issue in the case. That being said, he commended the Danish Government's overall record in implementing the Convention.

70. The CHAIRMAN associated himself with that final comment. The Danish delegation was to be commended for its informative replies to the Committee's questions. The Committee had thus concluded its consideration of the report of Denmark and looked forward to continuing its dialogue with the State party.

The meeting rose at 1.05 p.m.